

SENATE RECORD VOTE ANALYSIS

105th Congress
2nd Session

Vote No. 285

September 24, 1998, 9:36 a.m.
Page S-10866 Temp. Record

FEDERAL VACANCIES ACT/Cloture, motion to proceed

SUBJECT: Federal Vacancies Reform Act . . . S. 2176. Grassley motion to close debate on the motion to proceed.

ACTION: CLOTURE MOTION AGREED TO, 96-1

SYNOPSIS: As reported, S. 2176, the Federal Vacancies Reform Act of 1998, will amend the Vacancies Act, primarily to make clear its full application to the Justice Department and to other Federal departments and agencies. Article II, Section 2 of the Constitution gives the President the power to appoint all officers of the United States, subject to the advice and consent of the Senate. It further states that Congress, by law, may cede the Senate's advice and consent power for lower-ranking employees of the Executive Branch. Congress has given broad authority to the Executive Branch to hire employees without requiring Senate confirmation. Those high-ranking positions that require Senate confirmation to be filled have been specified by law. The Vacancy Act sets forth the terms under which Federal positions that require Senate confirmation may be temporarily filled without Senate confirmation, on an acting basis, when they unexpectedly become vacant. The Justice Department has long claimed that the Vacancy Act does not apply to its vacancies for positions requiring confirmation because its enabling legislation vests the Attorney General with the power to delegate such powers and functions to subordinate officials or employees as she sees fit. The Justice Department argues that this authority supersedes the Vacancy Act's requirements. Other Federal departments and agencies have begun to follow the Justice Department's lead in appointing acting officials for indefinite periods of time, without receiving or even seeking Senate confirmation. This bill will make clear that enabling statutes do not supersede Vacancy Act requirements.

On September 22, 1998, Senator Grassley sent to the desk, for himself and others, a motion to close debate on the motion to proceed to S. 2176, the Federal Vacancies Reform Act.

NOTE: A motion to invoke cloture requires a three-fifths majority (60) vote to succeed.

No arguments were expressed either in favor of or in opposition to the motion.

YEAS (96)				NAYS (1)		NOT VOTING (3)	
Republican (55 or 100%)		Democrats (41 or 98%)		Republicans (0 or 0%)	Democrats (1 or 2%)	Republicans (0)	Democrats (3)
Abraham	Hutchinson	Akaka	Johnson		Durbin		Glenn- ²
Allard	Hutchison	Baucus	Kennedy				Moseley-Braun- ²
Ashcroft	Inhofe	Biden	Kerrey				Wellstone- ^{4AY}
Bennett	Jeffords	Bingaman	Kerry				
Bond	Kempthorne	Boxer	Kohl				
Brownback	Kyl	Breaux	Landrieu				
Burns	Lott	Bryan	Lautenberg				
Campbell	Lugar	Bumpers	Leahy				
Chafee	Mack	Byrd	Levin				
Coats	McCain	Cleland	Lieberman				
Cochran	McConnell	Conrad	Mikulski				
Collins	Murkowski	Daschle	Moynihan				
Coverdell	Nickles	Dodd	Murray				
Craig	Roberts	Dorgan	Reed				
D'Amato	Roth	Feingold	Reid				
DeWine	Santorum	Feinstein	Robb				
Domenici	Sessions	Ford	Rockefeller				
Enzi	Shelby	Graham	Sarbanes				
Faircloth	Smith, Bob	Harkin	Torricelli				
Frist	Smith, Gordon	Hollings	Wyden				
Gorton	Snowe	Inouye					
Gramm	Specter						
Grams	Stevens						
Grassley	Thomas						
Gregg	Thompson						
Hagel	Thurmond						
Hatch	Warner						
Helms							

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay